

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551 FDS

Hon. F. Dennis Saylor IV

DEFENDANT GOOGLE LLC'S MOTION TO MODIFY THE SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16, Local Rule 16.1(G), and the Court's Corrected Scheduling Order (ECF No. 70), Defendant Google LLC ("Google") respectfully submits this motion to modify the Court's Corrected Scheduling Order such that the deadline for the parties to serve written discovery will be June 24, 2021.

As set forth in Google's Memorandum of Law, there is good cause to modify the Court's Corrected Scheduling Order in light of Singular's incomplete production of custodial ESI, which Google has been seeking diligently for several months. Singular has indicated that it will not complete the production of its custodial ESI until June 1, 2021—one week after the current deadline for the parties to serve written discovery. Accordingly, Google respectfully requests that the Court grant its motion to modify the case schedule, extending the deadline to serve written discovery by 30 days. Because Google was required to serve final written discovery prior to the Court's resolution of this motion, Google further requests that it be permitted to withdraw those requests and serve a final set of requests by June 23, 2021, or, alternatively, to be permitted to issue up to an additional 10 interrogatories and 10 requests for admission by that same date.

Google's counsel hereby certifies under Local Rule 7.1 that the parties conferred regarding this motion but were unable to resolve or narrow the issues. Given the urgency of the motion and the focused issue it presents, Google does not request oral argument on its motion and believes the Court can issue a decision based solely on the papers. If, however, the Court believes oral argument would assist it in reaching a determination, Google would be happy to participate in such an argument.

WHEREFORE, Google respectfully requests that the Court GRANT this motion and (i) modify the Court's Corrected Scheduling Order such that the deadline for the parties to serve written discovery will be June 24, 2021, and (ii) permit Google to withdraw its final written

discovery requests and serve a final set of requests by June 23, 2021, or, alternatively, to be permitted to issue up to an additional 10 interrogatories and 10 requests for admission by that same date.

Respectfully submitted,

Dated: May 24, 2021

By: /s/ Matthias Kamber

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CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed
Nathan R. Speed

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Nathan R. Speed, counsel for Defendant, hereby certify that counsel for Defendant conferred with Plaintiff's counsel in a good-faith attempt to resolve or narrow the issues raised by this motion. Plaintiff's counsel informed counsel for Defendant that Plaintiff opposes the relief sought in this motion.

/s/ Nathan R. Speed
Nathan R. Speed